



**JUSTIFICATION FOR AN EXCEPTION TO FAIR OPPORTUNITY
AUTHORITY: FAR 16.505(b)(2)**

1. Identification of the agency and the contracting activity, and specific identification of the document as a “Justification for an Exception to Fair Opportunity.”

This document is a Justification for an Exception to Fair Opportunity for the Department of the Interior, Interior Business Center, Acquisition Services Directorate, Division II, Client: National Guard Bureau (Army National Guard [ARNG] and Air National Guard [ANG]) National Capital Region (NCR).

2. Nature and/or description of the action being approved.

This is a follow-on requirement to existing task order D16PD00425, which was awarded as a sole source follow-on contract to task order N09PD10053 for IT user support services to ensure that services continue while awaiting resolution of a post-award protest. The task order D16PD00425 contains the FAR clause 52.217-8, Option to Extend Services, but this clause has been exercised to its capacity and the order will end on March 25, 2017. In accordance with AFARS 5139.101-90, Computer Hardware Enterprise Software and Solutions (CHESS) contract vehicles are the preferred source for acquisition of IT services. According to Army Regulation 25-1: Army Information Technology (25 Jun 2013, applies to all Active Army and Army National Guard), all IT hardware/software is required to be purchased using a CHESS contract or DoD enterprise software agreement (otherwise an Army Information Technology Approval System (ITAS) waiver must be obtained). Task orders N09PD10053 and D16PD00425 were both awarded against the Information Technology Enterprise Solutions - 2 Services (ITES-2S) CHESS contract vehicle to NCI Information Systems, Inc. Both task orders were awarded as Time and Materials (T&M) type contracts. The Government intends to award this follow-on requirement as a T&M type contract to NCI Information Systems, Inc.

3. A description of the supplies or services required to meet the agency’s needs (including the estimated value).

The contractor supports and manages all IT equipment and systems operating with the Army National Guard National Capital Region (ARNG NCR) environment, primarily at the Arlington Hall Station (AHS) headquarters which is located in Arlington, Virginia. The contractor also supports and manages all IT equipment and systems operating with the Air National Guard National Capital Region (ANG NCR) environment as well as supports end users of the equipment at the ANG Readiness Center (ANGRC) at Andrews Air Force Base, ANG offices at the Jefferson Plaza 1 office complex in Crystal City, VA, and the Air National Guard Readiness Center –

Continuity of Operations (ANGRC COOP) installation.

Services and supplies include but are not limited to:

1. Desktop support
2. Local Area Network support
3. Software Engineering Support
4. Access to NIPRnet and SIPRnet and NGB applications and DoD Enterprise Email (DEE)
5. Cyber security threat protection, monitoring, and reporting
6. User training
7. Audio Visual support
8. Data Processing Center Support
9. Consolidated Software and Hardware maintenance support

The estimated value for this task order including a 6-month base period and a 6-month option period is approximately [REDACTED].

- 4. Identification of the exception to fair opportunity (see 16.505(b)(2)) and the supporting rationale, including a demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the exception cited. If the contracting officer uses the logical follow-on exception, the rationale shall describe why the relationship between the initial order and the follow-on is logical (e.g., in terms of scope, period of performance, or value).**

A separate solicitation (RFP # D15PS00661) to re-compete the work performed on the previous task order (N09PD10053) was competitively solicited on the Army CHESS IT-mart system and is currently undergoing a post-award protest. The re-compete acquisition was awarded (D16PD00118) on June 27, 2016 and a post-award protest was submitted on July 6, 2016. The DOI agency report was submitted to the GAO on August 5, 2016 and GAO's final response was issued October 14, 2016. [REDACTED]

[REDACTED] Although the agency is nearing completion of this corrective action, NCI submitted another protest in response to the corrective action on December 29, 2016, which was dismissed by GAO on February 3, 2017. The corrective action process has been resumed.

As provided in FAR 16.505(b)(2) and DFARS 216.505-70(b), the contracting officer may waive the requirement to place an order on a competitive basis if one of a few circumstances applies. One of those statutory exceptions applies to this acquisition and is follows:

FAR 16.505(b)(2)(i)(C)The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.

All awardees on the ITES-2S contract were given a fair opportunity to be considered for the original task order N09PD10053. NCI has successfully performed the required services for the Government under this task order since November 2008. The current task order D16PD00425, which was awarded as a sole source follow-on contract to N09PD10053 while awaiting resolution of a protest after competitively re-soliciting the requirement (RFP # D15PS00061), expires on March 25, 2017. The re-compete acquisition (RFP # D15PS00661) received both pre-award and post-award protests which require corrective action that will not be resolved prior to the D16PD00425 expiration. This contract is a logical follow-on requirement to provide continuity of services for similar IT services and support as the original task order N09PD10053 and the current task order D16PD00425 during the resolution of the post-award protest, [REDACTED].

Awarding this task order non-competitively to the incumbent, NCI, saves the Government time and other resources, especially when taking into consideration the short performance period of the contract (a six month Base period plus one six month Option period). [REDACTED]

[REDACTED]

[REDACTED]

To save administrative effort, cost and time and to comply with the Army's preferred source of CHES for services, the use of an existing contract (the ITES-2S contract) to establish a non-competitive task order has been determined to be the best way to procure the requirements described under Item # 3, above.

5. A determination by the contracting officer that the anticipated cost to the Government will be fair and reasonable.

The contracting officer will make a separate determination as to the fairness and reasonableness of the price through price analysis. Historical data from the existing task order D16PD00425 will be utilized, published rates listed on other vendors' CHES ITES-2S contracts, and ARNG/ANG's cost estimate will be used during the price analysis.

6. Any other facts supporting the justification.

This contract represents the most advantageous method of fulfilling the client's need given price and other factors.

[REDACTED]



- 7. A statement of the actions, if any, the agency may take to remove or overcome any barriers that led to the exception to fair opportunity before any subsequent acquisition for the supplies or services is made.**

A separate solicitation (RFP # D15PS00661) and award (D16PD00118) to re-compete the work performed was competitively solicited on the Army CHESSE IT-mart system and is currently awaiting resolution of a post-award protest. The purpose of this contract is to ensure the continuation of IT support services for the ARNG and ANG NCR during the resolution of the post-award protest [REDACTED]

Prepared by:

__// original signed __/_____
David Boyd
Contract Specialist

__8 Mar 2017____
Date

- 8. The contacting officer's certification that the justification is accurate and complete to the best of the contracting officer's knowledge and belief.**

I certify that this justification is accurate and complete to the best of my knowledge and belief.

__// original signed __/_____
Lydia Nunez
Contracting Officer

__8 Mar 2017____
Date

9. Evidence that any supporting data that is the responsibility of technical or requirements personnel (e.g., verifying the Government's minimum needs or requirements or other rationale for an exception to fair opportunity) and which form a basis for the justification have been certified as complete and accurate by the technical or requirements personnel.

I certify that the technical data which forms a basis for this justification is complete and accurate and meets the Government's minimum needs.

__// original signed __/____ 8 Mar 2017____
COR Date

10. A written determination by the approving official that one of the circumstances in FAR 16.505(b)(2)(i)(A) through (E) applies to the order.

FAR 16.505(b)(2)(i)(C) The order must be issued on a sole-source basis in the interest of economy and efficiency because it is a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order.

11. Reviews and Approvals

Concur

__// original signed __/____ 8 Mar 2017____
Robert Brown Date
Branch Chief

Concur

__// original signed __/____ 8 Mar 2017____
Heidi Herron Date
Division Chief

Concur

____// original signed //____ 9 Mar 2017____
Glen Savory Date
Bureau Competition Advocate

Approve

____// original signed //____ 10 Mar 2017____
Keith O'Neill Date
Head of Contracting Activity